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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/635,475

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Alejandro Wiechers

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02/22/2008

HEWLETT PACKARD COMPANY

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INTELLECTUAL PROPERTY ADMINISTRATION

FORT COLLINS, CO 80527-2400

EXAMINER

RODRIGUEZ, LENNIN R

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

02/22/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/635,475

Applicant(s)

WIECHERS, ALEJANDRO

Examiner

Lennin R. Rodriguez

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 29 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 101 on claims 11 and 13-20.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 3-11 and 13-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). filed on 1/29/2008
13. ☐ Other: _____.



KING Y. POON

10/635, 4/88

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument on pages 12 -14 that Roztocil does not disclose "creating a job ticket at the designer location that identifies select ed production devices of the print service provider to be used to process said print job and processing instructions for the print service provider location" has been considered but is not persuasive, in response Fig. 1 of Roztocil's disclose in Fig. 1 a p rint shop WORKFLOW (emphasis added) not a print shop by itself as argued by the applicant. Applicant's argument on page 15 that Roztocil discloses "creating a press ready file at the designer location that encompasses both said print job and said job tick et" has been consider but is not persuasive, in response "Roztocil '868 discloses creating a press ready file at the designer location (paragraph [0022], lines 8 -13, where the designer location is being interpreted as the job origination at the client side of the workflow) that encompasses both said print job and said job ticket (paragraph [0028], lines 1 -6, where the print ready file contains the print job and the printer control instructions (ticket));" and its done at the client (worksatation) side. Applicant's argument on page 16 that Roztocil discloses "an automated prepress rework module performing an automated prepress rework of said print job to address any changes in selection of production devices at the print service provider location after perfo rmance of the preflight check by automatically reformatting said print job for any newly selected production devices to ensure production substantially as designed", has been considered but is not persuasive, in response Roztocil '868 discloses an automate d prepress rework module performing an automated prepress rework of said print job to address any changes in selection of production devices at the print service provider location after performance of the preflight check by automatically reformatting said print job for any newly selected production devices to ensure production substantially as designed (paragraph [0030], and [0031], where after some changes are been made at the job preparations workstations regarding features of the job the print ready file is updated (reworked) to include all the new changes into the file that is going to be send to the output devices, where the process is performed by the production stage automatically) and the claims as presented are not specific as to whether the devices need to be of different makes and models as argued by the applicant. Aplicant's argument on page 17 that Roztocil does not disclose "an automated preflight module performing an automated preflight check of said press ready file at the print service provider location by automatically opening, reading, and interpreting said job ticket to confirm that the selected production devices identified in said job ticket are available and, if one or more of the selected production devices are not available, automatically selecting one or more alternative production devices to process said print job to ensure production substantially as designed" has been considered but is not persuasive, in response Roztocil '868 discloses all the subject matter as described above except an automated preflight module performing an automated preflight check of said press ready file at the print service provider location by automatically opening, reading, and interpreting said job ticket to confirm that the selected production devices identified in said job ticket are available, and if one or more of the selected production devices are not available, automatically selecting one or more alternative production devices to process said print job to ensure production substantially as designed;

However, Schorr '697 teaches an automated preflight module performing an automated preflight check of said press ready file at the print service provider location (column 4, lines 1 -3, where the preflight is all automated (101 Fig. 1a)) by automatically open ing, reading, and interpreting said job ticket to confirm that the selected production devices identified in said job ticket are available (column 6, lines 41 -65, where it check for example if a RGB press is available for use);

Therefore it would have been obvious to one of ordinary skill in the art a the time the invention was made to have an automated preflight module performing an automated preflight check of said press ready file at the print service provider location by automatically opening, reading, and interpreting said job ticket to confirm that the selected production devices identified in said job ticket are available, and if one or more of the selected production devices are not available, automatically selecting one or more alternative productio n devices to process said print job to ensure production substantially as designed as taught by Schorr '697, in the system of Roztocil '868. By accessing the preflight system through the print vendor, the print buyer is not hardwired to one particularly v endor. Further, as will be understood by reviewing the description of the preferred embodiments below, the print buyer can employ the preflight system according to the invention through potentially any print vendor (column 3, lines 23 -29), and further supported in Schorr (column 3, lines 14-22).